

The House Committee on Special Judiciary offers the following substitute to HB 869:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, Title 36 of  
2 the Official Code of Georgia Annotated, relating to local government, and Title 42 of the  
3 Official Code of Georgia Annotated, relating to penal institutions, so as to change the  
4 membership of the Georgia Superior Court Clerks' Cooperative Authority; to provide that  
5 the Georgia Superior Court Clerks' Cooperative Authority shall act as the collecting and  
6 remitting agent for the centralized collection and remittance of certain court costs and fees  
7 and certain additional penalties and bonds in criminal cases; to prescribe certain new  
8 additional court costs and fees and penalties and bond surcharges in criminal cases and  
9 provide for the disposition thereof; to provide for application fees for persons applying for  
10 indigent defense services and provide for the disposition thereof; to provide for intent with  
11 respect to availability of certain funds for appropriation for indigent defense purposes; to  
12 state legislative findings; to define terms; to provide for court clerks and other officials to  
13 remit funds to the authority and provide measures for accountability therefor; to authorize  
14 the authority to prescribe forms and procedures for reporting in connection with collections  
15 by the authority; to provide for remittances by the authority and certain reporting with respect  
16 thereto; to make numerous conforming amendments; to provide for other related matters; to  
17 provide for an effective date and for applicability; to repeal conflicting laws; and for other  
18 purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**SECTION 1.**

21 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking  
22 paragraph (1) of subsection (b) of Code Section 15-6-94, relating to the Georgia Superior  
23 Court Clerks' Cooperative Authority, and inserting in its place a new paragraph to read as  
24 follows:

25 "(b)(1) The authority shall consist of ~~seven~~ nine members as follows:

1 (A) The two members who are not required to be superior clerks appointed by the  
 2 executive board of The Council of Superior Court Clerks of Georgia ~~to serve for a term~~  
 3 ~~of one year each and until their respective successors are appointed~~ as provided by prior  
 4 law shall continue to serve and their successors shall likewise be appointed by the  
 5 executive board of The Council of Superior Court Clerks of Georgia;

6 (B) The two members appointed by the executive board of The Council of Superior  
 7 Court Clerks of Georgia; who are and shall ~~currently~~ be superior court clerks; ~~to serve~~  
 8 ~~for a term of two years each and until their respective successors are appointed~~ as  
 9 provided by prior law shall continue to serve and their successors shall likewise be  
 10 superior court clerks appointed by the executive board of The Council of Superior  
 11 Court Clerks of Georgia;

12 (C) The one member appointed by the Governor; who is and shall ~~currently~~ be a county  
 13 commissioner; ~~to serve for a term of three years and until such member's respective~~  
 14 ~~successor is appointed~~ as provided by prior law shall continue to serve and his or her  
 15 successors shall likewise be county commissioners appointed by the Governor;

16 (D) The and two members appointed by the Governor ~~to serve for a term of three years~~  
 17 ~~each and until their respective successors are appointed~~ who are not required to be  
 18 county commissioners appointed as provided by prior law shall serve out the terms for  
 19 which they were appointed; and upon the expiration of such terms and thereafter a  
 20 successor to one such member shall be appointed by the Governor and a successor to  
 21 the other such member shall be appointed by the Chief Justice of the Supreme Court;

22 (E) One member appointed by the Lieutenant Governor; and

23 (F) One member appointed by the Speaker of the House.

24 All members ~~After the initial appointments, all members thereafter shall serve for terms~~  
 25 ~~of three years each and until their successors are appointed and qualified.~~ All acts  
 26 performed by the authority prior to April 1, 1994, shall have the same force and effect as  
 27 if this paragraph had been in effect since the creation of the authority."

## 28 SECTION 2.

29 Said Title 15 is further amended by adding a new Chapter 21A to read as follows:

### 30 "CHAPTER 21A

31 15-21A-1.

32 (a) The General Assembly finds that over the years, at various times, there have been  
 33 enacted into the law and Constitution of this state numerous provisions relating to court

1 costs, fees, and criminal penalty and bond surcharges for various stated purposes and that  
2 additional costs, fees, and surcharges may be added in the future. Because of the seriatim  
3 nature of these enactments, little or no consideration has been given to the interaction of  
4 the enacting provisions. There exists a lack of fiscal data concerning such fees. State law  
5 has in some cases provided insufficient guidance for local officials with respect to the  
6 priority and manner of distribution of such costs, fees, and surcharges. There exists a need  
7 for a centralized agency to act as the collecting and remitting agent for such costs, fees, and  
8 surcharges in order to provide for uniform practices and fiscal accountability with respect  
9 to such collection and remittance.

10 (b) It is the intent of this chapter to meet the needs identified in subsection (a) of this Code  
11 section and to provide for certain new fees and surcharges in order that funds may be made  
12 available for appropriation and may be appropriated for purposes of indigent defense.

13 15-21A-2.

14 As used in this chapter, the term 'authority' means the Georgia Superior Court Clerks'  
15 Cooperative Authority established pursuant to Code Section 15-6-94.

16 15-21A-3.

17 The authority shall act as collecting and remitting agent with respect to the costs, fees, and  
18 surcharges specified in this Code section. The authority in performing this function shall  
19 receive and disburse such funds only in the capacity of a custodial trustee, and such funds  
20 shall not in the process of receipt and disbursement become funds of the authority or state  
21 funds. The costs, fees, and surcharges subject to this Code section are:

22 (1) A portion of the fees for filing instruments pertaining to real estate under subsection  
23 (b) of Code Section 15-6-98;

24 (2) The additional divorce case filing fee under Code Section 15-6-77.4 and the  
25 additional marriage license fee under Code Section 15-9-60.1;

26 (3) The surcharge on fines and bonds imposed for the training of law enforcement and  
27 prosecutorial officers and for indigent defense purposes under Code Section 15-21-73;

28 (4) The surcharge on fines and bonds which may be imposed for county jail fund  
29 purposes under Code Section 15-21-93;

30 (5) The additional penalties imposed in drug cases for drug abuse treatment and  
31 education purposes under Code Section 15-21-100;

32 (6) The additional penalties imposed in cases of driving under the influence for purposes  
33 of state crime victims compensation under Code Section 15-21-112;

- 1 (7) The fine surcharges imposed for local victim assistance purposes under Code Section  
2 15-21-131;
- 3 (8) The additional penalties imposed in cases of driving under the influence for purposes  
4 of the Brain and Spinal Injury Trust Fund under Code Section 15-21-149;
- 5 (9) The additional civil filing fee for alternative dispute resolution purposes which may  
6 be imposed under Code Section 15-23-7;
- 7 (10) County law library fees which may be imposed under Code Section 36-15-9;
- 8 (11) Probation fees collected by the courts under Code Section 42-8-34;
- 9 (12) Funds collected and remitted for purposes of the Judges of the Probate Courts  
10 Retirement Fund of Georgia under Code Sections 47-11-50 and 47-11-51;
- 11 (13) Funds collected and remitted for purposes of the Superior Court Clerks' Retirement  
12 Fund of Georgia under Code Sections 47-14-50 and 47-14-51;
- 13 (14) Funds collected and remitted for purposes of the Sheriffs' Retirement Fund of  
14 Georgia under Code Section 47-16-60; and
- 15 (15) Funds collected and remitted for purposes of the Peace Officers' Annuity and  
16 Benefit Fund under Code Section 47-17-60.

17 15-21A-4.

18 (a)(1) Each clerk of any court or any other officer or agent of any court receiving any  
19 funds subject to this chapter on or after July 1, 2004, shall remit all such funds to the  
20 authority by the end of the month following the month in which such funds are received.

21 (2) The chief judge of superior court for each county shall have the authority to require  
22 compliance with paragraph (1) of this subsection by any court within the county. If any  
23 court is more than 30 days delinquent or is habitually delinquent in remitting any funds  
24 or reports required under this Code section, the authority shall notify the chief judge of  
25 superior court of the county in which the court is located and the commissioner of  
26 community affairs. The commissioner of community affairs shall suspend the status of  
27 the local government served by the court as a qualified local government under Article  
28 1 of Chapter 8 of Title 50 until such time as the delinquency or habitual delinquency is  
29 cured.

30 (b) The authority shall prescribe uniform procedures and forms for the reporting and  
31 remittance of all funds subject to Code Section 15-21A-3; and all clerks or other officers  
32 or agents remitting such funds shall use the prescribed procedures and forms in reporting  
33 and remitting funds to the authority.

34 (c) The authority shall prescribe uniform rules, procedures, and forms relative to the partial  
35 or installment collection and remittance of funds subject to Code Section 15-21A-3 and the

1 manner of allocation of such partial or installment collections. Any funds held by any court  
2 or unit of local government on July 1, 2004, consisting of previously collected partial or  
3 installment payments shall be subject to the rules, procedures, and forms so prescribed and  
4 shall be remitted to the authority to the extent provided for in such rules and procedures.

5 15-21A-5.

6 (a) The authority shall be entitled to retain from the funds received by the authority under  
7 Code Section 15-21A-3 and 15-21A-7 an amount equal to 1 percent of such funds, but in  
8 no event more than \$500,000.00 per fiscal year, to reimburse the authority for its costs in  
9 administering this chapter. The net proceeds, after deduction of such administrative costs,  
10 from the funds received by the authority under Code Section 15-21A-3 shall be remitted  
11 by the authority as follows:

12 (1) The net proceeds received pursuant to paragraph (1) of Code Section 15-21A-3 shall  
13 be remitted to the general fund of the authority for the use of the authority as otherwise  
14 provided by law;

15 (2) The net proceeds received pursuant to paragraph (2) of Code Section 15-21A-3 shall  
16 be remitted to the general fund of the state treasury;

17 (3) The net proceeds received pursuant to paragraph (3) of Code Section 15-21A-3 shall  
18 be remitted to the general fund of the state treasury;

19 (4) The net proceeds received pursuant to paragraph (4) of Code Section 15-21A-3 shall  
20 be remitted to the governing authority of the county from which the funds were received  
21 for deposit into the county jail fund of that county;

22 (5) The net proceeds received pursuant to paragraph (5) of Code Section 15-21A-3 shall  
23 be remitted to the governing authority of the county from which the funds were received  
24 for deposit into the County Drug Abuse Treatment and Education Fund of that county;

25 (6) The net proceeds received pursuant to paragraph (6) of Code Section 15-21A-3 shall  
26 be remitted to the Georgia Crime Victims Compensation Board to be deposited into the  
27 Georgia Crime Victims Emergency Fund;

28 (7) The net proceeds received pursuant to paragraph (7) of Code Section 15-21A-3 shall  
29 be remitted to local victim assistance programs of the county from which the funds were  
30 received as provided in Code Section 15-21-132;

31 (8) The net proceeds received pursuant to paragraph (8) of Code Section 15-21A-3 shall  
32 be remitted to the Brain and Spinal Injury Trust Fund Commission for deposit into the  
33 Brain and Spinal Injury Trust Fund;

34 (9) The net proceeds received pursuant to paragraph (9) of Code Section 15-21A-3 shall  
35 be remitted to the board of trustees of the county from which the funds were received for

1 deposit into the County Fund for the Administration of Alternative Dispute Resolution  
2 Programs of that county;

3 (10) The net proceeds received pursuant to paragraph (10) of Code Section 15-21A-3  
4 shall be remitted to the governing authority of the county from which the funds were  
5 received for deposit into the county law library fund of that county;

6 (11) The net proceeds received pursuant to paragraph (11) of Code Section 15-21A-3  
7 shall be remitted to the general fund of the state treasury;

8 (12) The net proceeds received pursuant to paragraph (12) of Code Section 15-21A-3  
9 shall be remitted to the Judges of the Probate Court Retirement Fund of Georgia;

10 (13) The net proceeds received pursuant to paragraph (13) of Code Section 15-21A-3  
11 shall be remitted to the Superior Court Clerks' Retirement Fund of Georgia;

12 (14) The net proceeds received pursuant to paragraph (14) of Code Section 15-21A-3  
13 shall be remitted to the Sheriffs' Retirement Fund of Georgia; and

14 (15) The net proceeds received pursuant to paragraph (15) of Code Section 15-21A-3  
15 shall be remitted to the Peace Officers' Annuity and Benefit Fund.

16 (b) The net proceeds received pursuant to Code Section 15-21A-7 shall be remitted to the  
17 general fund of the state treasury.

18 (c) Any interest earned on funds subject to this chapter while in the custody of the  
19 authority shall be remitted to the general fund of the state treasury.

20 15-21A-6.

21 Notwithstanding any provision to the contrary in Chapter 11, 14, 16, or 17 of Title 47, any  
22 funds to be remitted by any clerk or other officer of any court to any state retirement  
23 system shall be remitted to the Georgia Superior Court Clerks' Cooperative Authority as  
24 custodial agent, in accordance with the manner prescribed in this chapter, for remittance  
25 by the authority to the state retirement system in accordance with the time schedule fixed  
26 in the law relating to such state retirement system.

27 15-21A-7.

28 (a) In addition to all other legal costs there shall be charged and collected an additional  
29 filing fee of \$15.00 in each civil action or case filed in the superior, state, probate,  
30 recorders', mayors', municipal, and magistrate courts. Without limiting the generality of  
31 the foregoing, such fee shall apply to all adoptions, certiorari, applications by personal  
32 representatives for leave to sell or reinvest, trade name registrations, applications for  
33 change of name, and all other proceedings of a civil nature. Any matter which is docketed

1 upon the official dockets of the enumerated courts and to which a number is assigned shall  
2 be subject to such fee, whether such matter is contested or not.

3 (b) Any person who applies for or receives legal defense services under Chapter 12 of  
4 Title 17 shall pay a single fee of \$50.00 for the application for, receipt of, or application  
5 for and receipt of such services. The application fee may not be imposed if the payment of  
6 the fee is waived by the court. The court shall waive the fee if it finds that the applicant is  
7 unable to pay the fee or that hardship will result if the fee is charged.

8 (c) Each clerk of court, each indigent defense program, or any other officer or agent of any  
9 court receiving any funds subject to this Code section shall collect the additional fees  
10 provided in this Code section and shall pay such moneys over to the authority by the last  
11 day of the month after the month of collection, to be deposited by the authority into the  
12 general fund of the state treasury.

13 (d) It is the intent of the General Assembly that all funds derived under this Code section  
14 shall be made available through the general appropriations process and may be  
15 appropriated for purposes of funding indigent defense.

16 15-21A-8.

17 The authority shall, on a quarterly basis, make a detailed report and accounting of all funds  
18 collected and remitted pursuant to this chapter and shall submit such report and accounting  
19 to the Office of Planning and Budget, the Legislative Budget Office, and the General  
20 Assembly no later than 30 days after the last day of the preceding quarter.

21 15-21A-9.

22 Any clerk of court or any other officer or agent receiving any funds subject to this Code  
23 who knowingly fails to pay over any such funds to the authority as required by this Code  
24 section shall be guilty of a misdemeanor, except that if the amount of funds knowingly not  
25 paid over is \$10,000.00 or more then such person shall be guilty of a felony and punished  
26 by imprisonment for not less than one nor more than ten years. The offense created by this  
27 Code section shall not merge with any other offense."

### 28 SECTION 3.

29 Said Title 15 is further amended by striking subsection (a) of Code Section 15-6-77.4,  
30 relating to additional filing fees in divorce cases, and inserting in its place a new subsection  
31 to read as follows:

32 "(a) In addition to any fees required in Code Sections 15-6-77, 15-6-77.2, 15-6-77.3, and  
33 47-14-51, for filing each divorce case, the clerk of superior court shall charge an additional

1 fee of \$5.00. Each clerk of the superior court shall collect the additional fees for divorce  
 2 cases as provided in this Code section and shall pay such moneys over to the ~~commissioner~~  
 3 ~~of revenue~~ Georgia Superior Court Clerks' Cooperative Authority by the last day of the  
 4 month there following, to be deposited by ~~him~~ the authority into the general treasury. The  
 5 ~~commissioner of revenue~~ authority shall, on a quarterly basis, make a report and accounting  
 6 of all funds collected pursuant to this Code section and shall submit such report and  
 7 accounting to the Office of Planning and Budget and the Legislative Budget Office no later  
 8 than 30 days after the last day of the preceding quarter."

9 **SECTION 4.**

10 Said Title 15 is further amended by striking Code Section 15-9-60.1, relating to additional  
 11 marriage license fees, and inserting in its place a new Code section to read as follows:

12 "15-9-60.1.

13 (a) In addition to any fees required in Code Section 15-9-60 for receiving marriage  
 14 applications, issuing marriage licenses, and recording relative thereto, the judge of the  
 15 probate court shall charge an additional fee of \$15.00 for issuing a marriage license. No  
 16 amount of this additional fee shall be paid into the Judges of the Probate Courts Retirement  
 17 Fund of Georgia provided for in Chapter 11 of Title 47 ~~nor~~ or be used for the purpose of  
 18 calculating retirement benefits for judges of the probate courts. Each judge of the probate  
 19 court shall collect the additional fees for issuing marriage licenses as provided in this Code  
 20 section and shall pay such moneys over to the ~~commissioner of revenue~~ Georgia Superior  
 21 Court Clerks' Cooperative Authority by the last day of the month there following, to be  
 22 deposited by ~~him~~ the authority into the general treasury. The ~~commissioner of revenue~~  
 23 authority shall, on a quarterly basis, make a report and accounting of all funds collected  
 24 pursuant to this Code section and shall submit such report and accounting to the Office of  
 25 Planning and Budget and the Legislative Budget Office no later than 30 days after the last  
 26 day of the preceding quarter.

27 (b) ~~When any such person whose duty it is to collect and pay over such moneys fails to~~  
 28 ~~remit the sums within 60 days of the date they are required to be paid over, the same shall~~  
 29 ~~be delinquent and there may be imposed, in addition to the principal amount due, a specific~~  
 30 ~~penalty in the amount of 5 percent of said principal amount per month for each month~~  
 31 ~~during which the money is continued to be delinquent, not to exceed a total of 25 percent~~  
 32 ~~of the principal amount."~~



1 shall be posted. In every case in which any state court, probate court, municipal court,  
 2 magistrate court, or superior court shall order the forfeiture of bail or bond, the additional  
 3 ~~sum equal to the lesser of \$50.00 or 10 percent of the original bail or bond~~ amounts  
 4 provided for in this paragraph shall be paid over as provided in Code Section 15-21-74.

5 (b) Such sums shall be in addition to that amount required by Code Section 47-17-60 to  
 6 be paid into the Peace Officers' Annuity and Benefit Fund or Code Section 47-11-51  
 7 concerning the Judges of the Probate Courts Retirement Fund of Georgia and any other  
 8 amounts provided for by law.

9 15-21-74.

10 The sums provided for in Code Section 15-21-73 shall be assessed and collected by the  
 11 court officer charged with the duty of collecting moneys arising from fines and forfeited  
 12 bonds and shall be paid over to the ~~commissioner of revenue~~ Georgia Superior Court  
 13 Clerks' Cooperative Authority by the last day of the month there following, to be deposited  
 14 by ~~him~~ the authority into the general treasury. The ~~commissioner of revenue~~ authority shall,  
 15 on a quarterly basis, make a report and accounting of all funds collected pursuant to this  
 16 article and shall submit such report and accounting to the Office of Planning and Budget  
 17 and the Legislative Budget Office no later than 30 days after the last day of the preceding  
 18 quarter.

19 15-21-75.

20 ~~When any such person, agency, or unit of government whose duty it is to collect and pay~~  
 21 ~~over such moneys fails to remit the sums within 60 days of the date they are required to be~~  
 22 ~~paid over, the same shall be delinquent and there may be imposed, in addition to the~~  
 23 ~~principal amount due, a specific penalty in the amount of 5 percent of said principal~~  
 24 ~~amount per month for each month during which the money is continued to be delinquent,~~  
 25 ~~not to exceed a total of 25 percent of the principal amount.~~ Reserved.

26 15-21-76.

27 ~~Any person whose duty it is to collect and remit the sum provided for in this article who~~  
 28 ~~fails or refuses to so remit shall be guilty of a misdemeanor.~~ Reserved.

29 15-21-77.

30 (a) ~~An amount equal to all funds remitted as provided in Code Section 15-21-74~~ the net  
 31 proceeds derived under subparagraphs (a)(1)(A) and (a)(2)(A) of Code Section 15-21-73  
 32 in the immediately preceding year shall be appropriated to fund law enforcement or

1 prosecutorial officers' training, or both, and activities incident thereto, including, but not  
 2 limited to, payment or repayment to the state treasury for capital outlay, general obligation  
 3 bond debt service, administrative expenses, and any other expense or fund application  
 4 which the General Assembly may deem appropriate. This ~~Code section~~ subsection shall not  
 5 preclude the appropriation of a greater amount for this purpose.

6 (b) It is the intent of the General Assembly that all funds derived under subparagraphs  
 7 (a)(1)(B) and (a)(2)(B) of Code Section 15-21-73 shall be made available through the  
 8 general appropriations process and may be appropriated for purposes of funding indigent  
 9 defense."

#### 10 SECTION 6.

11 Said Title 15 is further amended by striking subsection (a) of Code Section 15-21-94, relating  
 12 to collection and expenditure of county jail fund fees, and inserting in its place a new  
 13 subsection to read as follows:

14 "(a) The sums provided for in Code Section 15-21-93 shall be assessed and collected by  
 15 the clerk or court officer charged with the duty of collecting moneys arising from fines and  
 16 forfeited bonds and shall be paid over by the last day of the month after the month of  
 17 collection to the Georgia Superior Court Clerks' Cooperative Authority for remittance to  
 18 the governing authority of the county in which the court is located or, in the case of a  
 19 municipality which has contracted for jail services, to the governing authority of the county  
 20 with which the municipality has contracted ~~by the tenth day of the month following the~~  
 21 ~~month in which such sums are collected~~. Such sums paid over to the governing authority  
 22 shall be deposited by the governing authority into a special account to be known as the  
 23 'county jail fund.'"

#### 24 SECTION 7.

25 Said Title 15 is further amended by striking subsection (a) of Code Section 15-21-101,  
 26 relating to collection and expenditure of county drug abuse and treatment education fees, and  
 27 inserting in its place a new subsection to read as follows:

28 "(a) The sums provided for in Code Section 15-21-100 shall be collected by the clerk or  
 29 court officer charged with the duty of collecting moneys arising from fines and forfeited  
 30 bonds and shall be paid over by the last day of the month after the month of collection to  
 31 the Georgia Superior Court Clerks' Cooperative Authority for remittance to the governing  
 32 authority of the county in which the court is located ~~upon receipt of the fine and assessment~~  
 33 ~~if paid in full at the time of sentencing or upon receipt of the final payment if the fine is~~  
 34 ~~paid in installments~~. Those sums paid over to the governing authority shall be deposited

1 thereby into a special account to be known as the 'County Drug Abuse Treatment and  
2 Education Fund.'"

3 **SECTION 8.**

4 Said Title 15 is further amended by striking Code Sections 15-21-113 and 15-21-114,  
5 relating to collection and remittance of additional penalties in driving under the influence  
6 cases for the Georgia Crime Victims Emergency Fund, and inserting in their place the  
7 following:

8 "15-21-113.

9 The sums provided for in Code Section 15-21-112 shall be assessed and collected by the  
10 court officer charged with the duty of collecting moneys arising from fines and shall be  
11 paid over by the last day of the following month to the Georgia Superior Court Clerks'  
12 Cooperative Authority for remittance to the Georgia Crime Victims Compensation Board  
13 ~~by the last day of the month there following~~, to be deposited into the Georgia Crime  
14 Victims Emergency Fund. The ~~Georgia Crime Victims Compensation Board~~ authority  
15 shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to  
16 this article and shall submit such report and accounting to the Office of Planning and  
17 Budget and the Legislative Budget Office no later than 30 days after the last day of the  
18 preceding quarter.

19 15-21-114.

20 ~~When any such person, agency, or unit of government whose duty it is to collect and pay~~  
21 ~~over such moneys fails to remit the sums within 60 days of the date they are required to be~~  
22 ~~paid over, the same shall be delinquent and there may be imposed, in addition to the~~  
23 ~~principal amount due, a specific penalty in the amount of 5 percent of said principal~~  
24 ~~amount per month for each month during which the money is continued to be delinquent,~~  
25 ~~not to exceed a total of 25 percent of the principal amount. Reserved."~~

26 **SECTION 9.**

27 Said Title 15 is further amended by striking Code Sections 15-21-132 and 15-21-133,  
28 relating to collection and remittance of additional penalties for local victim assistance  
29 programs, and inserting in their place the following:

1 "15-21-132.

2 (a) The sums provided for in Code Section 15-21-131 shall be assessed and collected by  
 3 the court officer charged with the duty of collecting moneys arising from fines and shall  
 4 be paid over ~~on a monthly basis~~ to the Georgia Superior Court Clerks' Cooperative  
 5 Authority by the end of the month after the month of collection. The net proceeds shall be  
 6 distributed by the authority as follows:

7 (1) If the county where the fine was imposed operates or participates in a victim  
 8 assistance program approved by the Criminal Justice Coordinating Council, then the  
 9 moneys shall be paid over to that victim assistance program; or

10 (2) If the county where the fine was imposed does not operate or participate in a victim  
 11 assistance program approved by the Criminal Justice Coordinating Council, then the  
 12 moneys shall be paid over to the district attorney of the judicial circuit in which the  
 13 county is located for the purpose of defraying the costs of victim assistance activities  
 14 carried out by the district attorney's office. Such funds shall ~~be paid over in the same~~  
 15 ~~manner as other county funds paid for operations of the district attorney's office and shall~~  
 16 be in addition to rather than in lieu of any other such funds.

17 ~~(a.1) The court officer charged with the duty of collecting moneys arising from fines~~  
 18 ~~pursuant to this Code section and Code Section 15-21-133 is required to submit to the~~  
 19 ~~Criminal Justice Coordinating Council a monthly financial report which states the amount~~  
 20 ~~collected and the agencies, organizations, or programs which directly received funds in that~~  
 21 ~~same period from said officer in order to allow coordination of local, state, and federal~~  
 22 ~~funding sources for similar services.~~

23 (b) The Criminal Justice Coordinating Council shall promulgate rules governing the  
 24 approval of victim assistance programs. The rules shall provide for the approval of  
 25 programs which are designed to provide substantial assistance to victims of crime in  
 26 understanding and dealing with the criminal justice system as it relates to the crimes  
 27 committed against them. It is the intention of the General Assembly that approval shall be  
 28 liberally granted so as to encourage local innovations in the development of victim  
 29 assistance programs.

30 15-21-133.

31 ~~Moneys collected as provided for in this article shall be paid over as provided for in this~~  
 32 ~~article by the last day of the month following the month in which they are collected. When~~  
 33 ~~any person, agency, or unit of government whose duty it is to collect and pay over such~~  
 34 ~~moneys fails to remit the sums within 60 days of the date they are required to be paid over,~~  
 35 ~~the same shall be delinquent and there may be imposed, in addition to the principal amount~~

1 ~~due, a specific penalty in the amount of 5 percent of said principal amount per month for~~  
 2 ~~each month during which the money is continued to be delinquent, not to exceed a total of~~  
 3 ~~25 percent of the principal amount. Reserved.~~"

#### 4 **SECTION 10.**

5 Said Title 15 is further amended by striking Code Sections 15-21-150 and 15-21-151,  
 6 relating to collection and remittance of additional penalties in driving under the influence  
 7 cases for the Brain and Spinal Injury Trust Fund, and inserting in their place the following:

8 "15-21-150.

9 The sums provided for in Code Section 15-21-149 shall be assessed and collected by the  
 10 clerk or court officer charged with the duty of collecting moneys arising from fines and  
 11 shall be paid over by the last day of the following month to the Georgia Superior Court  
 12 Clerks' Cooperative Authority for remittance to the Brain and Spinal Injury Trust Fund  
 13 Commission created in Code Section 15-21-143 ~~by the last day of the month there~~  
 14 ~~following~~, to be deposited into the Brain and Spinal Injury Trust Fund.

15 15-21-151.

16 ~~Moneys collected as provided for in this article shall be paid over as provided for in this~~  
 17 ~~article by the last day of the month following the month in which they are collected. When~~  
 18 ~~any person, agency, or unit of government whose duty it is to collect and pay over such~~  
 19 ~~moneys fails to remit the sums within 60 days of the date they are required to be paid over,~~  
 20 ~~the same shall be delinquent and there may be imposed, in addition to the principal amount~~  
 21 ~~due, a specific penalty in the amount of 10 percent of said principal amount per month for~~  
 22 ~~each month during which the money is continued to be delinquent, not to exceed a total of~~  
 23 ~~25 percent of the principal amount. Reserved.~~"

#### 24 **SECTION 11.**

25 Said Title 15 is further amended by striking subsection (d) of Code Section 15-23-7, relating  
 26 to civil action fees for alternative dispute resolution purposes, and inserting in its place a new  
 27 subsection to read as follows:

28 "(d) The clerk of each and every such court in such counties shall collect such fees and  
 29 remit the same to the Superior Court Clerks' Cooperative Authority by the last day of the  
 30 month following the month of collection. The authority shall remit the net proceeds to the  
 31 treasurer of the board of the county in which the case was brought, ~~on the first day of each~~

1 ~~month~~. No change in the amount collected pursuant to this Code section may be made  
2 within a period of 12 months from the date of a previous change."

3 **SECTION 12.**

4 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
5 by striking subsection (a) of Code Section 36-15-9, relating to additional court costs for  
6 county law library purposes, and inserting in its place a new subsection to read as follows:

7 "(a) For the purpose of providing funds for those uses specified in Code Section 36-15-7,  
8 a sum not to exceed \$5.00, in addition to all other legal costs, may be charged and collected  
9 in each action or case, either civil or criminal, including, without limiting the generality of  
10 the foregoing, all adoptions, certiorari, applications by personal representatives for leave  
11 to sell or reinvest, trade name registrations, applications for change of name, and all other  
12 proceedings of civil or criminal or quasi-criminal nature, filed in the superior, state,  
13 probate, and any other courts of record, except county recorders' courts or municipal  
14 courts. The amount of such additional costs to be charged and collected, if any, in each  
15 such case shall be fixed by the chief judge of the superior court of the circuit in which such  
16 county is located. Such additional costs shall not be charged and collected unless the chief  
17 judge first determines that a need exists for a law library in the county. The clerk of each  
18 and every such court in such counties in which such a law library is established shall  
19 collect such fees and remit the same by the end of the month following the month of  
20 collection to the Georgia Superior Court Clerks' Cooperative Authority. The authority shall  
21 remit the net proceeds to the treasurer of the board of trustees of the county law library of  
22 the county in which the case was brought, ~~on the first day of each month~~. Where fees  
23 collected by the treasurer have been allocated for the purpose of establishing or maintaining  
24 the codification of county ordinances, the allocated amount shall in turn be remitted by the  
25 treasurer to the county governing authority for said purpose on a monthly basis or as  
26 otherwise agreed by the treasurer and the county governing authority. The county  
27 ordinance code provided for in subsection (a) of Code Section 36-15-7 shall be maintained  
28 by the county governing authority. When the costs in criminal cases are not collected, the  
29 cost provided in this Code section shall be paid from the fines and forfeitures fund of the  
30 court in which the case is filed, before any other disbursement or distribution of such fines  
31 or forfeitures is made."



1 subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia  
 2 Crime Victims Emergency Fund. Any probation fees collected by the court shall be  
 3 remitted not later than the last day of the month after such fee is collected to the Superior  
 4 Court Clerks' Cooperative Authority for deposit into the general fund of the state  
 5 treasury.

6 (2) In addition to any other provision of law, any person convicted of a violation of Code  
 7 Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to  
 8 probation or a suspended sentence by a municipal, magistrate, probate, state, or superior  
 9 court shall also be required by the court to pay a one-time fee of \$25.00. The clerk of  
 10 court, or if there is no clerk the person designated to collect fines, fees, and forfeitures for  
 11 such court, shall collect such fee and remit the same ~~to the general fund of the state~~  
 12 ~~treasury~~ not later than the ~~tenth~~ last day of the month after such fee is collected ~~and shall~~  
 13 ~~be subject to rule and attachment in the same manner as clerks of superior court for~~  
 14 ~~failure to so collect and remit~~ to the Georgia Superior Court Clerks' Cooperative  
 15 Authority for deposit into the general fund of the state treasury."

#### 16 SECTION 15.

17 This Act shall become effective on July 1, 2004. This Act shall apply with respect to funds  
 18 collected by court clerks and other officers and agents collecting funds subject to this Act on  
 19 or after that date, except that partial and installment payments held by clerks and other  
 20 officers and agents on July 1, 2004, shall on and after that date be subject to this Act.

#### 21 SECTION 16.

22 All laws and parts of laws in conflict with this Act are repealed.